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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,598	01/14/2002	Andrzej Rokicki	P-1115	5752
7590 03/22/2004			EXAMINER	
Scott R. Cox Suite 2200 400 West Market St. Louisville, KY 40202			HENDRICKSON, STUART L	
			ART UNIT	PAPER NUMBER
			1754	

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 8/25/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

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The election without traverse is noted.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9, 11-14, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hindin et al. 3945946.

Hindin teaches in column 2 and ex. 3 a catalyst having overlapping amounts of the metals. Also taught in ex. 3 is sodium- some would inherently be present in the catalyst, as the method is essentially the same as the instant. Hindin differs only in not exemplifying eta alumina, instead teaching it as one alternative. Using it, and the claimed amounts of metals, is an obvious expedient to optimize a catalyst; In re Boesch 205 USPQ 215.

Claims 8, 10, 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hindin et al. as applied to claims 1-7, 9, 11-14, 16, 18-20 above, and further in view of Shinohara et al. 3976034.

Hindin does not teach the deliberate addition of alkali promoter, however Shinohara does in column 4 in a similar catalyst. Using alkali is an obvious expedient to make a more effective catalyst.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman et al. 5378350 taken with Hindin et al. and Ahlberg 2374404.

Zimmerman teaches the claimed catalyst, except in not specifying eta alumina. Hindin teaches this form, and that it is stabilized. Since Zimmerman uses the same stabilizers

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as Hindin (see Ahlberg col. 2), the use of eta alumina is implied or obvious. Using eta alumina in the process of Zimmerman is an obvious expedient to make a stabilized catalyst.

Claims 1-7, 9, 11-14, 16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlberg taken with Hindin et al.

Ahlberg teaches Cr on alumina, with zirconium stabilizer. Ahlberg does not explicitly recite eta alumina (but does recite 'corundum'), however Hindin teaches it in a stabilized catalyst. Since Ahlberg uses the same stabilizer as Hindin (see Ahlberg col. 2), the use of eta alumina is implied or obvious. Using eta alumina in the process of Ahlberg is an obvious expedient to make a stabilized catalyst.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351.

A handwritten signature in black ink, appearing to read 'Stu Hendrickson' with a stylized flourish at the end.

Stuart Hendrickson  
examiner Art Unit 1754